

Court No. - 7

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 8575 of 2015

Petitioner :- Rati Pal Yadav

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue And 7 Ors.

Counsel for Petitioner :- Sampurnanand Shukla, Anjani Kumar Dvivedi

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta, Acting Chief Justice

Hon'ble Saurabh Lavania, J.

1. Present Public Interest Litigation has been filed for a direction to respondent nos. 2 and 3 to ensure removal of illegal and unauthorized possession of certain persons (respondents 5 to 8) from gata nos.495 and 499 recorded as rasta and gata nos.363 and 366 recorded as pond.

2. A counter affidavit has been filed on behalf of the State-respondents in which the stand taken is that encroachments from gata nos.495 and 499 have been removed. In respect of gata nos.363 and 367, which are recorded as Talab, the case set up is that the proceedings under section 33/39 of U.P. Land Revenue Act, 1901 were pending.

3. Counsel for the petitioner submitted that unauthorized occupants, who were earlier dispossessed, have again occupied the Gaon Sabha land.

4. In respect of gata no.363 as proceedings under section 33/39 of U.P. Land Revenue Act, 1901 are still pending, therefore, no direction can be issued. In respect of other plots in case any fresh encroachment has been made, it is open to the petitioner to apprise the said fact to the State-respondents so that the proceedings in accordance with law are undertaken.

5. Petition is **disposed of** accordingly.

(Saurabh Lavania, J.) (Manoj Kumar Gupta, A.C.J.)

Order Date :- 30.1.2024

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